

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BRIESE LICHTTECHNIK VERTRIEBS GmbH
and HANS-WERNER BRIESE,

Plaintiffs,

-v-

No. 09 Civ. 9790 (LTS)(MHD)

BRENT LANGTON, B2PRO, KEY LIGHTING,
INC. and SERGIO ORTIZ,

Defendants.

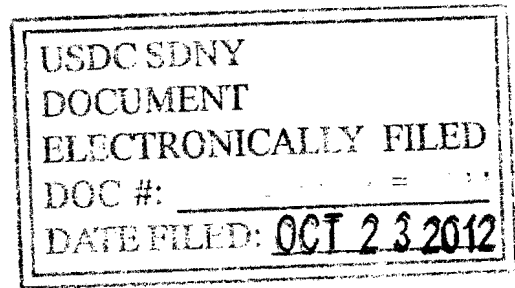
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ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiffs Briese Lichttechnik Vertriebs and Hans-Werner Briese (collectively “Plaintiffs”) assert patent infringement claims against Brent Langton, B2Pro, Key Lighting, Inc., and Sergio Ortiz (collectively “Defendants”), concerning U.S. Patent No. 5,841,146 (“the ‘146 patent”). The ‘146 patent covers an umbrella-shaped light reflector for use in photography and videography.

Magistrate Judge Michael H. Dolinger issued a Report and Recommendation and Memorandum and Order (the “Report”) on July 26, 2012, recommending that the Court deny Plaintiffs’ motion for sanctions pursuant to Federal Rule of Civil Procedure 37(c)(1)(C) insofar as Plaintiffs seek a ruling that defendants Ortiz and Langton be deemed liable for any patent or trade-dress infringements by Key Lighting or B2Pro. No objections to the Report have been received and the time to file objections has expired.

In reviewing a report and recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28



U.S.C.A. § 636(b)(1)(C) (West 2006). When no timely objections have been made to a report, “a district court need only satisfy itself that there is no clear error on the face of the record.” Carlson v. Dep’t of Justice, No. 10 Civ. 5149(PAE)(KNF), 2012 WL 928124, at *1 (S.D.N.Y. Mar. 19, 2012) (citations omitted).

The Court has not received any objections to the Report from either Plaintiffs or Defendants, so a review for clear error is appropriate. The Court has reviewed carefully Magistrate Judge Dolinger's thorough Report and finds no clear error. The Court therefore adopts the Report in its entirety for the reasons stated therein. Because the Report explicitly states that “[f]ailure to file timely objections may constitute a waiver of those objections both in the District Court and on later appeal to the United States Court of Appeals,” the parties’ failure to object operates as a waiver of appellate review. See Small v. Sec’y of Health & Human Servs., 892 F.2d 15, 16 (2d Cir.1989).

Plaintiffs’ motion for sanctions is hereby denied. This Order resolves docket entry number 286.

SO ORDERED.

Dated: New York, New York
October 23, 2012



LAURA TAYLOR SWAIN
United States District Judge